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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

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THE PEOPLE,

Plaintiff and Respondent,

v.

RONALD LEE KARKELLIE,

Defendant and Appellant.

C068819

(Super. Ct.

Nos. CM032435, CM034215)

Appointed counsel for defendant Ronald Lee Karkellie asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

In April 2010, in case No. CM032435, officers executing a warrant to search defendant's automobile and residence found a

soda can containing 11 grams of methamphetamine, two glass smoking pipes, a digital scale with a clear, crystal-like residue on the surface, a creased playing card, and a small Ziploc bag with white residue inside. Defendant told officers that he had purchased one to two ounces of methamphetamine per day for resale to his two or three customers, and that he used the profit from those sales to support his own methamphetamine habit. Defendant told officers he had purchased a half ounce of methamphetamine the previous night, had sold an "eight ball" to a customer that night, and had personally consumed "two bowls" from his purchase.

On March 14, 2011, defendant pled no contest to sale of methamphetamine (Health & Saf. Code,<sup>1</sup> § 11379, subd. (a)) and possession of drug paraphernalia (§ 11364, subd. (a)). A count of possession of concentrated cannabis (§ 11357, subd. (a)) was dismissed for insufficient evidence. The matter was referred to the probation department for a pre-sentence report and defendant was released on his own recognizance.

Ten days later, in case No. CM034215, officers executing a warrant at defendant's residence found a bottle containing 0.8 grams of methamphetamine, plastic baggies containing less than 0.1 grams of methamphetamine, seven glass smoking devices, two digital scales, nunchakus, pay/owe records, and a beam scale.

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<sup>1</sup> Undesignated statutory references are to the Health and Safety Code.

During the search, three people placed telephone calls to defendant's residence asking to purchase narcotics.

On June 1, 2011, defendant pled no contest to possession of methamphetamine (§ 11377) and admitted that the offense occurred while he was released on bail or his own recognizance (Pen. Code, § 12022.1, subd. (b)). An allegation of a prior drug-related conviction (§ 11370.2, subd. (c)) was dismissed.

Defendant was sentenced to state prison for five years eight months, consisting of three years for sale of methamphetamine, eight months for possession of methamphetamine, and two years for the own-recognizance enhancement. A concurrent county jail term of six months was imposed for possession of paraphernalia. The trial court ordered defendant to pay various fines and fees and awarded him 99 days' custody credit and 99 days' conduct credit.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

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HOCH, J.

We concur:

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HULL, Acting P. J.

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MAURO, J.